
Public Notice

**US Army Corps
of Engineers
Louisville District**

Public Notice No.

200400070

Date:

19 Aug 04

Closing Date:

2 Sep 04

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. Greg McKay, CEORL-OP-FS

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6685

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: City of Franklin, Kentucky
925 South Main
Franklin, Kentucky 42135

AGENT: Barge, Waggoner, Sumner and Cannon, Inc.
211 Commerce Street, Suite 600
Nashville, Tennessee 37201

LOCATION: In the West Fork of Drakes Creek 100 feet downstream of
the existing dam located east of Franklin, Simpson
County, Kentucky.
Latitude: 36-43-22.9410
Longitude: 86-33-06.2550
7.5 Minute Quad: FRANKLIN

PURPOSE: To replace the existing failing gabion dam with a new
roller-compacted concrete dam.

DESCRIPTION OF WORK: The applicant proposes to discharge fill material below the Ordinary High Water Mark (OHWM) of the West Fork of Drakes Creek to replace the failing gabion dam with a new roller-compacted concrete dam. The proposed structure would be located 100 feet downstream of the existing dam and would be 34 feet wide at the base (measured parallel to the stream flow) and 475 feet long at the top (measured perpendicular to the stream flow). The proposed dam spillway is 34 feet long and the stilling basin is 38 feet long. Both the spillway and stilling basin are 80 feet wide and are located along the left side (looking downstream) of the dam alignment. The overall height of the dam would be 12 feet. The proposed spillway elevation would be 589.0 feet mean sea level (msl) and the proposed dam crest would vary from 590.25 to 590.75 feet msl. The normal pool elevation of 589.0 feet msl of the existing reservoir would be maintained upon completion of the new dam.

The roller-compacted concrete dam would require the placement of 5,410 cubic yards (CY) of compacted concrete in one-foot lifts. An additional 125 CY of dental concrete, 525 CY of leveling concrete, and 1,350 CY of abutment and mass concrete would be used for construction. The proposed spillway and stilling basin would be constructed using 111 CY of concrete for the spillway ogee crest, 643 CY of concrete for the spillway body, and 162 CY of concrete for the stilling basin walls,

spillway walls, and end sill. The spillway and stilling basin floor slab would be constructed by discharging 760 CY of concrete. Construction of the right abutment toe wall would require 109 CY of concrete.

During construction, the creek would be temporarily diverted through eight 6-foot by 12-foot box culverts and c- channels of varying length located immediately east of the proposed spillway footprint. The diversion would be accomplished using 400 linear feet of sheet piling and 200 CY of sandbagged material. An additional 1,820 CY of earthen fill and 634 CY of riprap would be temporarily discharged below the OHWM to isolate the spillway area during construction. The existing dam would be partially demolished by removing 480 CY of rock filled gabions and 1,494 CY of compacted earthen fill.

Wetlands and other waters that would be impacted by the construction of the dam are shown on attached figures. The wetlands and other waters identified consist of a 1.13 acre wetland below the existing gabion dam, two smaller wetlands labeled W1 (31 square feet) and W2 (130 square feet), three riffle areas labeled R1 (760 square feet), R2 (520 square feet) and R3 (1,190 square feet), two pool areas labeled P1 (1,080 square feet) and P2 (3,140 square feet), and the 0.16 acre seepage channel (secondary tributary to the West Fork Drakes Creek). The total area of impact to wetlands and other waters from this project is 1.45 acres.

The applicant proposes compensatory mitigation, including the creation of 1.5 acres of wetland. The proposed location of the mitigation area is on a 10.06 acre property owned by the City of Franklin. The site is located south of the existing rock filled gabion dam, and adjacent to Highway 100. Mitigation measures for the secondary tributary to the West Fork Drakes Creek (seepage channel) may include habitat enhancement, stream bank stabilization, and riparian vegetation. Details of the mitigation plan are not finalized and it is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their

critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the

Operations Division
Regulatory Branch (South)
ID No. 200400070

determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Greg McKay, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 200400070.